IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25207 of 2004

Between:

Emmadi Vijaya Kumar, S/o. late Sri Ramaiah, R/o. H.No. 2-5-83, Bukka Bazar, Station road, Old Bazar, Mahabubabad, Warangal District.

..... PETITIONER

AND

1 The District Panchayat Officer, Warangal District.
2 The Divisional Panchayat Officer, Mahabubabad, Warangal.
3 The Gram Panchayat, Mahabubabad, rep. by its Panchayat Secretary, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order, or Direction, more particularly one in nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the notice in file No. File No. 1150/GPM/04-A3, Dt. 27.12.2004, as wholly illegal arbitrary and unwarranted and without any justification and violative of Art. 300-A of Constitution of India.

For the Petitioner: MR.V.VISHWANATHAM, Advocate.

For the Respondent Nos.1 and 2: GP for Panchayat Raj and Rural Development.

For the Respondent No.3: SMT.JYOTHI ESWAR GOGINENI, SC for Mahabubabad Gram Panchayat

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be owner of House bearing No.2-5-87/1, admeasuring 81.32 square yards situated at Mahabubabad Gram Panchayat. He states that after obtaining necessary permission from the third respondent-Gram Panchayat, he started constructing new house therein in accordance with the sanctioned plan, and though somebody made complaints objecting the construction, the third respondent satisfying with the explanation submitted by him on 08-12-2004, allowed him to make construction. His grievance is that though he is making construction in accordance with the sanctioned plan, at the behest of some complainants, the third respondent issued the impugned notice, dated 27-12-2004 directing him to stop the construction. Questioning the impugned notice, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the third respondent-Gram Panchayat.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the petitioner to submit explanation to the impugned notice, dated 27-12-2004 issued by the third respondent, and on such submission, the third respondent shall consider the explanation of the petitioner and pass appropriate orders thereon in accordance with law. Till such time, the respondents shall not demolish the structure of the petitioner.

With the above directions, the writ petition is disposed at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 31-12-2004

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To

1 The District Panchayat Officer, Warangal District.
2 The Divisional Panchayat Officer, Mahabubabad, Warangal.
3 The Panchayat Secretary, Gram Panchayat, Mahabubabad, Warangal District.

4 Two CCs. to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, A.P., Hyderabad (OUT).

5 Two CD copies.